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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,978	07/25/2001	Gabriel Beged-Dov	10014078-1	8178

7590 09/26/2005
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

MILLER, BENA B

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,978

Applicant(s)

BEGED-DOV, GABRIEL

Examiner

Bena Miller

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Bena B. Miller

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is finally rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Adoma.

Adoma teaches in the figures throwable implement comprising a disk-shaped body (fig. 1), a convex first surface and concave second surface (fig1) and a plurality of flexible fingers (8) disposed in a first circle on the second surface and the first circle having a center essentially concentric with an axis of rotation of the implement. On the hand, given a different interpretation of the claim, Adoma may fail to teach a plurality of flexible fingers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a plurality of flexible fingers on the implement of Adoma for the purpose of retaining the compact disk.

Claims 1, 2 and 13 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Adoma.

Adoma teaches in the figures most of the elements of the claimed invention. However, Adoma may not teach a plurality of fingers disposed in a first circle on said second surface. Adoma teaches on page 5 that clamping device 8 is constructed in a known manner so that the compact disk can be locked in the opening 10. It would have

Art Unit: 3725

been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a plurality of fingers in the throwable implement of Adoma for the purpose of the retaining the compact disc.

Claims 1-5 and 13 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Adoma in view of Nusselder (US Patent #4,535,888) or Otsuka et al (US Patent #4,793,479).

Adoma teaches in the figures most of the elements of the claimed invention. However, Adoma may not teach a plurality of flexible fingers having a cantilever portion, a crooked portion, and a ridge portion attached to the second surface of the body. Nusselder teaches in the figures a storage cassette for compact discs having plurality of flexible fingers having a plurality of flexible fingers having a cantilever portion, a crooked portion, and a ridge portion attached to surface body (9, 10, 11). Otsuka et al teaches the it is well known in the prior art to have a plurality of flexible fingers having a cantilever portion, a crooked portion, and a ridge portion attached to body (16) for the attachment of compact discs as seen in fig. 1a, 1b, 2a, 2b. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a plurality of flexible fingers, having the claimed features noted above, as suggested by Nusselder or Otsuka et al for the clamping retention means of Adoma for the purpose of easily mounting and demounting the compact disc.

Response to Arguments

Applicant's arguments filed 06/06/05 have been fully considered but they are not persuasive.

In reference to applicant remarks that Adoma fails to anticipate claim 1, it should be noted that Adoma point out on page 4 that clamping device 8 is constructed in a known manner. Therefore, it is well known that plurality of flexible fingers—as shown by Nusselder or Otsuka--- are used to lock a compact disc. On the other hand, even if Adoma did not teach a plurality of flexible fingers, it would have been obvious to provide a plurality of flexible fingers to lock the disc. Further, the Adoma meets “an essentially concave second surface” as clearly shown in figure 2.

The Examiner maintains that Adoma and Nusselder or Otsuka provides the same teachings as previously discussed in the previous Office Actions (04/27/04, 10/22/03), which are incorporated herein by references. Therefore, the Examiner maintains the previous rejection and the Office Action is final.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

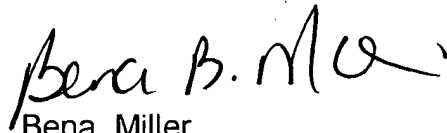
Art Unit: 3725

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 571.272.4427. The examiner can normally be reached on Monday-Friday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Bena Miller
Primary Examiner
Art Unit 3725

bbm
September 21, 2005